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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

In re:

EASY STREET HOLDING, LLC, *et al.*,

Debtors.

Address: 201 Heber Avenue
Park City, UT 84060

Tax ID Numbers:
35-2183713 (Easy Street Holding, LLC),
20-4502979 (Easy Street Partners, LLC), and
84-1685764 (Easy Street Mezzanine, LLC)

Bankruptcy Case No. 09-29905
Jointly Administered with
Cases 09-29907 and 09-29908
(this Motion affects case nos.
09-29905 and 09-29908)

Chapter 11

Honorable R. Kimball Mosier

**MOTION TO DISMISS EASY STREET MEZZANINE, LLC AND EASY STREET
HOLDING, LLC CASES PURSUANT TO LOCAL RULE 9011-2(a)**

Pursuant to Local Rule 9011-2(a), BayNorth Realty Fund VI, LP (“BayNorth”), through its undersigned counsel, hereby moves for entry of an order of this Court dismissing the Easy Street Mezzanine, LLC (case no. 09-29908) (“Mezzanine”) and Easy Street Holding, LLC (case no. 09-29905) (“Holding” and together with Mezzanine, the “Pro Se Debtors”) cases and in support hereof respectfully states as follows:

FACTUAL BACKGROUND

1. On January 13, 2011, counsel for the Pro Se Debtors filed a motion to withdraw (Docket no. 733) (the “Withdrawal Motion”).

2. By order entered February 23, 2011, the Court granted the Withdrawal Motion (Docket No. 738) (the “Withdrawal Order”).

3. Paragraph 3 of the Withdrawal Order provides: “C&M and DJP shall no longer be counsel of record. Mezzanine and Holding shall have twenty-one days within which to employ substitute counsel.”

4. Based on a review of the dockets for the Mezzanine and Holding separate and jointly-administered cases, as of the date of this Motion, new counsel has not entered an appearance on behalf of the Pro Se Debtors.

5. Holding is a plaintiff in that certain proceeding captioned *Easy Street Holding, LLC v. BayNorth Realty Fund VI, LP* (Adv. No. 09-2422). As of the date of this Motion, new counsel for the Pro Se Debtors has not entered an appearance in this adversary proceeding.

6. Mezzanine and Holding are also plaintiffs in that certain adversary proceeding captioned *Easy Street Partners, LLC v. Wickline et al.* (Adv. No. 10-2401) in which BayNorth,

among others, is a named defendant. As of the date of this Motion, new counsel for the Pro Se Debtors has not entered an appearance in this adversary proceeding.

7. A copy of this Motion will be provided to those parties to whom the Withdrawal Order was provided.

ARGUMENT AND AUTHORITIES

Rule 2091-1(e) of the Local Rules for this Court provides in relevant part: “Whenever an attorney withdraws ... the party represented by such attorney must file a notice of the appointment of another attorney or of his or her decision to appear without an attorney within 21 days or before any further court proceedings are conducted.”

Rule 9011-2(a) of the Local Rules for this Court provides: “A corporate, partnership, limited liability company, trust, unincorporated association, or other party which is not an individual may not file a petition or otherwise appear without an attorney in any case or proceeding. Failure to comply with this rule is grounds for dismissal of a case or proceeding, conversion of a case, appointment of a trustee or examiner, judgment by default, or other appropriate sanctions.”

The Pro Se Debtors have not complied with Rule 2091-1(e) and, under Rule 9011-2(a), may not proceed without new counsel. Rule 9011-2(a) further provides that failure of a corporate entity to have counsel is grounds for dismissal.

Accordingly, dismissal of the cases of the Pro Se Debtors and attendant adversary proceedings is appropriate and warranted under the circumstances.

WHEREFORE, BayNorth respectfully requests that the Court grant the Motion, dismissing the cases of Mezzanine and Holding and attendant adversary proceedings, and grant BayNorth such other and further relief as the Court deems just and proper.

DATED this 22nd day of March, 2011.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **MOTION TO DISMISS EASY STREET MEZZANINE, LLC AND EASY STREET HOLDING, LLC CASES PURSUANT TO LOCAL RULE 9011-2(a)** was served on this 22nd day of March, 2011 by first class U.S. Mail, postage prepaid and, where indicated, by CM/ECF electronic noticing or electronic mail, on each of the following:

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